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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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DEC 07 2004

In re application: Heaton, et. al.  
Serial No.: 09/915,805  
Filed: 07/26/2001  
Group Art Unit: 3683  
Examiner: Torres, Melanie  
For: SPRING APPLIED ELECTRONIC RELEASE  
PARKING BRAKE

REQUEST FOR RECONSIDERATION

Mail Stop AF  
Commissioner For Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This paper is responsive to the Office Action mailed on October 7, 2004.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 based upon WO 01/05638. That document does not teach a driveline parking brake assembly as contended by the Examiner. There is no "stationary driveline component 17" within that document. The component 17 is part of the brake housing. A brake housing as disclosed in that document is not the same as a driveline component. Additionally, there is no discussion or suggestion within that document for using the wheel brake in connection with a moveable driveline component. When one considers the description in that document, including the background section, it is clear that it is talking about a wheel brake. There is a recognized distinction within the art between driveline components and

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a driveline brake on the one hand and wheel components and wheel brakes on the other hand. Nothing in the WO document indicates that it is anything other than a wheel brake.

There is no *prima facie* case of obviousness. The combination cannot be made because it provides no benefit. Adding the driveline shaft of *Messersmith* to the WO document has no effect because the brake of the primary reference is a wheel brake. Additionally, even if the combination could be made, it is not the same as the claimed arrangement.

As Applicant does not have a translation of the WO document, Applicant has considered U.S. Patent No. 6,774,595 as the English equivalent. If the Examiner has a translation that requires a different interpretation, Applicant would appreciate receiving a copy of that translation.

This case is in condition for allowance.

Respectfully submitted,

CARLSON, GASKEY & OLDS

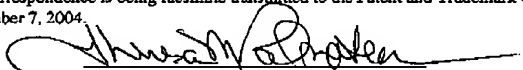
By: 

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Dated: December 7, 2004

CERTIFICATE OF FACSIMILE

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on December 7, 2004.

  
Theresa M. Palmateer

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